

## **Brevard Family Partnership 2011 Legislative Priorities**

Brevard Family Partnership requests consideration of the following issues that impact its ability to provide the necessary services to prevent child abuse and neglect, as well assist those children who must be removed from their homes to ensure their safety.

### **1. Elimination of Competitive Procurement of CBC Lead Agency Contracts on a Fixed Cycle, as outlined under Chapter 409.1671 and Chapter 287.057. Change in statutory language proposing the terms and conditions.**

Brevard Family Partnership (BFP) supports creating efficiency, through change in statutory language that outlines the terms and conditions which would warrant consideration of a Community Based Care (CBC) agency being competitively procured, rather than doing so on a fixed cycle, without any rationale warranting a transition of this magnitude.

The CBC initiative was launched in 1997. Since that time, it has been standard practice to competitively procure these contracts on a fixed interval even when a Lead agency is operating efficiently, performing well, and is supported by the local community.

From a cost-benefit analysis perspective, there appears to be potential for greater efficiency in establishing terms and conditions that would warrant a CBC agency being placed out for bid, as there are substantial financial and human capital resources deployed to support an agency in the procurement process.

To date, only one agency has ever lost their contract through the competitive process and if the terms that would warrant re-procurement were in place this agency may have met those criteria.

Conditions that may warrant re-procurement include:

- Financial shortfall and deficit;
- Poor performance with little improvement under corrective action;
- Community desire/support to de-obligate the provider;
- Board and CEO instability; and
- Disproportionate and avoidable critical incidents.

Of significance, many SAMH agencies are exempt from the re-procurement process; to change a high-performing Lead Agency, without cause, can be disruptive to the care and protection of children and families. For example, case worker turnover has a direct impact on permanency outcomes (Brevard has had among the lowest case worker vacancy rates in the country). It also is well known that transitions often result in significant staff turnover.

If there is no compelling reason to go through a transition of this magnitude, then to do so may inadvertently and adversely impact the children entrusted to our care, with no supporting rationale in doing so.

Of note and in support of our position:

- BFP was created by the local community, in partnership with the Brevard County Board of County Commissioners and has been one of the top performing Lead agencies in the state since its inception.
- While the state of Florida was fined \$10 million for failure to meet placement stability targets, BFP exceeded the federal target.
- Since its inception, BFP has met and exceeded its annual Adoption targets and placed over 400 children with “forever families.”
- BFP has created a new and unique program of care, “Brevard C.A.R.E.S.” that has resulted in preventing over 8,000 children from abuse and neglect and has been validated as an Evidence Based Practice. It currently is being replicated in other regions in the country and will soon be available to agencies and organizations, nationwide.

With such positive outcomes evidenced for Brevard’s vulnerable children and families we urge our Brevard delegation to support this change in statutory language or consider having BFP carved out as a pilot with the aforementioned proposal.

**2. Maintenance Adoption Subsidy (Statewide: \$13 million)**

BFP supports funding ongoing and new Maintenance Adoption Subsidies. The total projected adoptions statewide for FY 2011-2012 is 3,000.

**3. Independent Living (Brevard County deficit \$900,000 - statewide deficit \$33.7 Million)**

BFP supports a DCF legislative budget request for the Independent Living Program and the extension of foster care to age 21. The \$33.7 million does not consider the current program modifications to the IL statutes.

**4. Legal Services “Party Status”**

BFP requests statutory change to provide both lead agencies and providers with legal party status.

**5. Limit Liability of CBC agencies**

Decrease the limits of liability and requisite insurance coverage for lead community-based providers and subcontractors.

- A. Lower the statutory liability limits for lead agencies and establish a “per incident” limit. Subcontractors should receive similar protection, including per incident protection in tort actions, which is not currently afforded statutorily.
- B. Introduce aggregate limits on economic and non-economic damages for both lead agencies and subcontractors and repeal the annual inflationary adjustment. This will instill risk predictability and exposure measurability.
- C. Lead agencies and subcontractors should not be forced to add the Department of Children and Families as an additional insured for purposes of liability insurance. The Department is already a sovereign entity, and entitled to immunity as a result. Lead agencies and subcontractors, as providers of services traditionally performed by state entities have already absorbed a significant amount of the Department’s risk.

**6. Child Welfare Prepaid Mental Health Plan (CWPMHP)**

BFP strongly encourages the continuation of this project which provides the right amount of care to children in the dependency system, in the most efficient manner possible.

**7. Title IV-E Waiver**

BFP strongly supports the Department of Children and Families' application to extend the waiver for another five years, allowing Florida flexibility in the use of federal child safety and permanency funds and encourages the Legislature to maintain the funding level needed to do so.